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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/934,642	08/22/2001	Kenichi Kitatani	P/1909-153	8743
2352	7590	04/13/2004	EXAMINER	
OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,642

Applicant(s)

KITATANI, KENICHI

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-5, 8, 9, 11 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Thornton, U.S. Patent No. 5,847,336 (hereinafter Thornton).

Regarding claim 1, Thornton discloses a mobile communication terminal having plural input buttons wherein light of each of said plural input buttons is emitted and is turned off independently (col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49).

Regarding claim 2, see col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

Regarding claim 3, col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

Regarding claim 4, col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

Regarding claim 5, col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

Regarding claim 8, col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

Regarding claim 9, col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

Regarding claim 11, col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

Regarding claim 12, col. 3, line 54 to col. 4, line 3; col. 5, lines 2-15 and col. 6, lines 46-49.

3. Claims 1-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Morgenthaler, European Patent Application No. 0,872,996 (hereinafter Morgenthaler).

Regarding claim 1, Morgenthaler discloses a mobile communication terminal having plural input buttons wherein light of each of said plural input buttons is emitted and is turned off independently (col. 4, lines 16-36 & 54-57; col. 5, lines

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13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36).

Regarding claim 2, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 3, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 4, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 5, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 6, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 7, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 8, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

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Regarding claim 9, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 10, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 11, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 12, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

Regarding claim 13, see col. 4, lines 16-36 & 54-57; col. 5, lines 13-38; col. 7, line 16 to col. 8, line 43 and col. 9, lines 13-36.

4. Claims 1-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Rice-Jones et al, UK Patent Application No. 2,323,193 (hereinafter Rice-Jones).

Regarding claim 1, Rice-Jones discloses a mobile communication terminal having plural input buttons wherein light of each of said plural input buttons is emitted and is turned

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off independently (page 4, lines 10-19 and page 5, line 27 to page 6, line 25).

Regarding claim 2, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 3, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 4, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 5, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 6, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 7, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 8, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 9, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 10, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 11, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

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Regarding claim 12, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

Regarding claim 13, see page 4, lines 10-19 and page 5, line 27 to page 6, line 25.

5. Claims 1-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Phillips, WIPO Publication No. 00/21265 (hereinafter Phillips).

Regarding claim 1, Phillips discloses a mobile communication terminal having plural input buttons wherein light of each of said plural input buttons is emitted and is turned off independently (page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5).

Regarding claim 2, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 3, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 4, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

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Regarding claim 5, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 6, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 7, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 8, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 9, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 10, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 11, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

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Regarding claim 12, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Regarding claim 13, page 4, line 22 to page 5, line 2; page 5 lines 11-19; page 6, line 26 to page 7, line 7 and page 7, line 28 to page 9, line 5.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 6, 7, 10 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Thornton.

Regarding claim 6, Thornton does not explicitly teach plural color light is emitted from each of said plural input buttons. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Thornton wherein plural color light

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is emitted from each of said plural input buttons. This modification improves contrast and visibility.

Claim 7 is rejected for the same reasons as claim 6.

Claim 10 is rejected for the same reasons as claim 6.

Claim 13 is rejected for the same reasons as claim 6.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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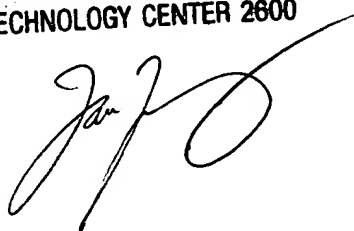
O.A.

Olisa Anwah

Patent Examiner

April 6, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written over the printed name and title.